REMARKS

Prior to entry of this Amendment, Claims 1-30 were pending and under consideration. With this Amendment, Claims 1, 11, 20 and 30 have been amended. Thus, after entry of this Amendment, Claims 1-30 are pending and under consideration.

The Amendments of the Claims

Claims 1, 11 and 20 now recite a limitation concerning some embodiments of client software which includes "functionality for allowing a user to select which sponsors' value portal skin to display, whereby the user chooses which sponsors to receive marketing messages from." Basis for this amendment is found in the specification at page 9, lines 20-21, page 12, lines 16-22, page 16, lines 11-15, and page 20, lines 25-26.

In claim 30, the word "The" on line 1 has been replaced by the word "A" to more clearly identify the nature of the personalized dynamically variable virtual network. Basis for this amendment is found in the specification at page 22, lines 6-23.

All of the amendments and claims are supported throughout the specification and claims as originally filed. For certain claims, specific pages and line numbers where support may be found are provided above. Support for the remaining claims derives from the corresponding claims as originally filed. Accordingly, the amendments do not present new matter and entry is proper.

Rejection of Claim 30 Under 35 U.S.C. § 112

Claim 30 stands rejected under 35 USC § 112 as allegedly lacking antecedent basis. The word "The" has been replaced by the word "A" in the claim as amended herein thus eliminating any lack of antecedent basis. Withdrawal of the rejection of Claim 30 is therefore requested.

Rejection of Claims 1-30 Under 35 U.S.C. § 103(a)

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentably obvious over Gerace (5,848,396) in view of Angles (5,933,811) in view of Nason (6,630,943). The rejection is traversed as applied to amended Claims 1-30 on the ground that the Patent Office has failed to establish a *prima facie* case of obviousness.

In rejecting claims under §103(a), the Patent Office bears the burden of establishing a

prima facie case of obviousness (MPEP § 2142). To establish a *prima facie* case, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine their teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference(s) must teach or suggest each and every limitation of the rejected claims. The teaching or suggestion to make the claimed combination *and* the reasonable expectation of success must *both* be found in the prior art, and *not* in Applicants' disclosure. *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP §2142.

The references fail to teach each and every limitation of the rejected amended claims. All of the pending rejected amended claims require that the client software includes "functionality for allowing a user to select which sponsors' value portal skin to display, whereby the user chooses which sponsors to receive marketing messages from." The Gerace reference does not teach or suggest this limitation. Gerace in view of Angeles in view of Nason does not teach or suggest this limitation. There is no teaching or suggestion in Gerace, Angeles, or Nason, individually, or in combination, for client software which includes "functionality for allowing a user to select which sponsors' value portal skin to display, whereby the user chooses which sponsors to receive marketing messages from" as recited in amended claims 1, 11 and 20.

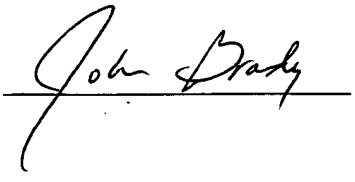
The references fail to teach each and every limitation of the rejected amended claims. Accordingly, *prima facie* obviousness is not established and the rejection of Claims 1, 11, 20 and all claims depending therefrom under 35 U.S.C. § 103(a) should be withdrawn.

Conclusion

Applicant submits that Claims 1-30 as amended satisfy all of the statutory requirements for patentability and are in condition for allowance. An early notification of the same is kindly solicited.

Respectfully submitted,
FOOTHILL LAW GROUP, LLP

Date: 3-27-05



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